

Senate File 395

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1 3 AN ACT
1 4 RELATING TO ASSISTANCE SERVICES PROVIDED TO THE DEPARTMENT OF
1 5 AGRICULTURE AND LAND STEWARDSHIP, INCLUDING FOR THE FILING
1 6 OF DOCUMENTS AND THE PAYMENT OF FEES AND CIVIL PENALTIES,
1 7 AND THE AUTHORIZATION TO ASSESS ADDITIONAL CHARGES.

1 8
1 9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 10
1 11 Section 1. Section 12C.1, subsection 2, paragraph e, Code
1 12 2003, is amended to read as follows:

1 13 e. "Public funds" and "public deposits" mean ~~the~~ any of
1 14 the following:

1 15 (1) The moneys of the state or a political subdivision or
1 16 instrumentality of the state including a county, school
1 17 corporation, special district, drainage district,
1 18 unincorporated town or township, municipality, or municipal
1 19 corporation or any agency, board, or commission of the state
1 20 or a political subdivision; ~~Moneys of the state include~~
1 21 moneys which are transmitted to a depository for purposes of
1 22 completing an electronic financial transaction pursuant to
1 23 section 159.43.

1 24 (2) The moneys of any court or public body noted in
1 25 subsection 1~~+~~.

1 26 (3) The moneys of a legal or administrative entity created
1 27 pursuant to chapter 28E~~+~~.

1 28 (4) The moneys of an electric power agency as defined in
1 29 section 28F.2 or 476A.20~~+~~ and federal.

1 30 (5) Federal and state grant moneys of a quasi-public state
1 31 entity that are placed in a depository pursuant to this
1 32 chapter.

SUBCHAPTER III

ASSISTANCE SERVICES

1 35 Sec. 2. NEW SECTION. 159.40 DEFINITIONS.

2 1 As used in this subchapter, unless the context otherwise
2 2 requires:

2 3 1. "Depository" means a qualified person who executes a
2 4 contract with the department pursuant to section 159.41 to
2 5 provide assistance services as provided in this subchapter.

2 6 2. "Electronic funds transfer" means a remote electronic
2 7 transmission used for ordering, instructing, or authorizing a
2 8 financial institution to apply money to or credit the account
2 9 of the payee and debit the account of the payer. The remote
2 10 electronic transmission may be initiated by telephone,
2 11 computer, or similar device.

2 12 3. "Filing document" means any of the following:

2 13 a. An application for a license, permit, or certification,
2 14 required to be submitted to the department as provided in this
2 15 title.

2 16 b. A registration required to be submitted to the
2 17 department as provided in this title.

2 18 4. "Filing document fee" means a fee or other charge
2 19 established by statute or rule which is required to accompany
2 20 a filing document submitted to the department as provided in
2 21 this title.

2 22 Sec. 3. NEW SECTION. 159.41 ASSISTANCE SERVICES ==
2 23 AUTHORITY TO CONTRACT WITH DEPOSITARY.

2 24 Whenever practical, the department may execute a contract
2 25 with a person qualified to provide assistance services under
2 26 this subchapter, if the contract for the assistance services
2 27 is cost-effective and the quality of the services ensures
2 28 compliance with state and any applicable federal law. A
2 29 person executing a contract with the department for the
2 30 purpose of providing the assistance services shall be deemed
2 31 to be a depository of the state and an agent of the department
2 32 only for purposes expressly provided in this subchapter. The
2 33 department shall periodically review assistance services
2 34 performed by a person under the contract to ensure that
2 35 quality, cost-effective service is being provided.

3 1 Sec. 4. NEW SECTION. 159.42 ASSISTANCE SERVICES ==
3 2 FILING DOCUMENTS.

3 3 1. A contract executed under this subchapter may require
3 4 that a depository provide for the receipt, acceptance, and
3 5 storage of filing documents that are sent in an electronic

3 6 format to the depository by persons who would otherwise be
3 7 required to submit filing documents to the department under
3 8 other provisions of this title. The contract shall be
3 9 governed under the same provisions as provided in section
3 10 14B.202.

3 11 2. a. A depository must send filing documents that it
3 12 receives to the department for processing, including for the
3 13 approval or disapproval of an application or the
3 14 acknowledgement of a registration. The receipt of the filing
3 15 document by the depository shall be deemed receipt of the
3 16 filing document but not an approval of an application or
3 17 acknowledgement of a registration by the department.

3 18 b. A depository may send a person notice of the
3 19 department's approval or disapproval of an application or
3 20 acknowledgement of a registration. The department and not a
3 21 depository shall be considered the lawful custodian of the
3 22 department's filing documents which shall be public records as
3 23 provided in chapter 22.

3 24 3. A filing document that is transmitted electronically to
3 25 a depository or from a depository to another person is an
3 26 electronic record for purposes of chapter 554D. An
3 27 application or registration required to be signed must be
3 28 authenticated by an electronic signature as provided by the
3 29 department in conformance with chapter 554D.

3 30 Sec. 5. NEW SECTION. 159.43 ASSISTANCE SERVICES ==
3 31 COLLECTION OF MONEYS.

3 32 1. A contract executed under this subchapter may require
3 33 that a depository provide for the receipt, acceptance, and
3 34 transmission of moneys owed to the department by a person in
3 35 order to satisfy a liability arising from the operation of law
4 1 which is limited to filing document fees and civil penalties.
4 2 These moneys are public funds or public deposits as provided
4 3 in chapter 12. The depository shall transfer the moneys to
4 4 the department for deposit into the general fund of the state
4 5 unless the disposition of the moneys is specifically provided
4 6 for under other law.

4 7 2. A depository may commit its assets to lines of credit
4 8 pursuant to credit arrangements, including but not limited to
4 9 agreements with credit and debit cardholders and with other
4 10 credit or debit card issuers. The depository may accept forms
4 11 of payment including credit cards, debit cards, or electronic
4 12 funds transfer.

4 13 3. The moneys owed to the department shall not exceed the
4 14 amount required to satisfy the liability arising from the
4 15 operation of law. However, the contract executed under this
4 16 subchapter may provide for assistance service charges,
4 17 including service delivery fees, credit card fees, debit card
4 18 fees, and electronic funds transfer charges payable to the
4 19 depository or another party and not to the state. An
4 20 assistance service charge shall not exceed that permitted by
4 21 statute. The contract may also provide for the retention of
4 22 interest earned on moneys under the control of the depository.
4 23 These moneys are not considered public funds or public
4 24 deposits as provided in chapter 12.

4 25 4. The depository, as required by the department for
4 26 purposes of determining compliance, shall send information to
4 27 the department including payment information for an identified
4 28 filing document fee or the payment of a specific civil
4 29 penalty.

4 30 5. Each calendar year, the auditor of state shall conduct
4 31 an annual audit of the activities of the depository.

4 32 Sec. 6. NEW SECTION. 159.44 FILING DOCUMENTS AND PAYMENT
4 33 OF MONEYS TO DEPARTMENT.

4 34 Nothing in this subchapter shall prevent a person from
4 35 submitting a filing document or making a payment to the
5 1 department as otherwise provided in this title.

5 2 Sec. 7. DIRECTIONS TO CODE EDITOR.

5 3 1. The Code editor shall transfer section 159.31 to new
5 4 section 159.26.

5 5 2. The Code editor shall divide chapter 159 into
5 6 subchapters and eliminate captions which do not include
5 7 sections containing law text. The Code editor shall
5 8 consolidate or eliminate the repeal, reserve, and transfer
5 9 entries in chapter 159 of the 2003 Iowa Code in order to
5 10 enhance the readability of the chapter. As part of
5 11 consolidating or eliminating the entries, the Code editor
5 12 shall provide directions to the reader that explain where
5 13 historical information pertaining to the repeal, transfer, or
5 14 reserving of those entries may be obtained.

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MARY E. KRAMER
President of the Senate

CHRISTOPHER C. RANTS
Speaker of the House

I hereby certify that this bill originated in the Senate and
is known as Senate File 395, Eightieth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved _____, 2003

THOMAS J. VILSACK
Governor